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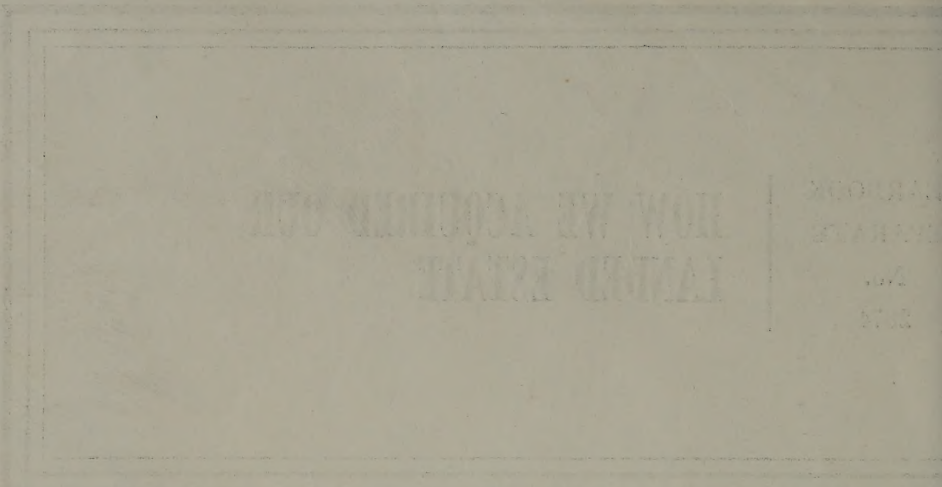
HOW WE ACQUIRED OUR LANDED ESTATE

Reprinted from pages 19–27 of the 1958
Yearbook of Agriculture

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1958

U.S. DEPARTMENT OF AGRICULTURE



HOW WE ACQUIRE OUR
LANDED ESTATE

LAND
STATE

Reprinted from the 1914-15
Yearbook of the American

U.S. DEPARTMENT OF AGRICULTURE

How we acquired our landed estate.

How we got our land is the core of our history, beginning with the Thirteen Colonies and continuing with the Louisiana Purchase (4 cents an acre for 529,911,680 acres), Florida, the Northwest Territory, Alaska, Texas, the Pacific Southwest, the Gadsden Purchase, and others—until the national domain extended from sea to shining sea and beyond the seas. By *Karl S. Landstrom*, lands officer, Bureau of Land Management, Department of the Interior.

THE LANDED ESTATE of the American people is the resource base on which the American economy functions. How it was acquired is the core of our history.

The national domain is all land, public and private.

The public domain is the remaining portion of lands originally acquired by our Government.

THE PUBLIC DOMAIN, at its broadest extent, consisted of three-fourths of the continental United States and nearly all of Alaska, a total of 1,807 million acres.

The public domain was acquired by cessions from the Thirteen Original States, 1781 to 1802; the Louisiana Purchase, 1803; the Spanish Cession of Florida, 1819; the Oregon Compromise, 1846; the Mexican Cession, 1848; the Texas Purchase, 1850; and the Gadsden Purchase, 1807. Alaska was purchased from Russia in 1867.

THE THIRTEEN ORIGINAL STATES made up the area of the United States at the close of the Revolutionary War. The boundaries of the new Republic were established by treaty with Great Britain. The western boundaries of the Original States were ill defined. There had been overlapping and rival claims, based on conflicting crown grants.

Six of the States had clearly defined

boundaries in the sense that they were bounded by the claims of other States to westward. The other seven—New York, Virginia, North Carolina, South Carolina, Georgia, Massachusetts, and Connecticut—held claims to “wilderness” to the west. The claims extended to the Mississippi River.

The attention of the Government of the newly formed Confederation was early drawn to the problem of the western land claims of the States. The States having no western claims contended that the western claims of the other States should be ceded to the Confederation.

Maryland contended that the unsettled domain to the west had been wrested by “common blood and treasury” and should be made their common property. Future unequal representation was feared as the larger States would grow with westward migration.

The Articles of Confederation had left the sale and disposition of western lands to the exclusive control of the States owning them. Some States had opened land offices, made private grants, granted land bounties, or otherwise disposed of portions of their domain.

The Continental Congress in 1779 passed a compromise resolution recommending that the States withhold further grants of western lands for the

duration of the War. Eight States voted for the resolution, and three voted against it.

New York tendered her claims to western land to the Congress without reservation in 1780 to alleviate dissatisfaction of the smaller States. The Congress adopted a resolution "earnestly" requesting other States to do the same.

New York had claimed an area of undefined and unsettled lands west of Pennsylvania and north of the Ohio River. These lands, ceded in 1781, are now in Erie County in Pennsylvania.

Virginia's western possessions north of the Ohio River were ceded in 1784. The present State of Kentucky was ceded directly to that State. Kentucky accordingly is one of the States that never contained public domain of the United States.

Massachusetts succeeded to the ownership of its vacant lands and became proprietor of unoccupied lands in Maine. These lands were disposed of under State laws.

To the United States in 1785 were ceded claims to western lands that overlapped Virginia's claims in what is now Pennsylvania, Illinois, Wisconsin, and Michigan.

Maine took charge of her own lands and made no cession to the United States.

South Carolina in 1787 ceded a strip of land that now lies in the northern parts of Georgia, Alabama, and Mississippi.

North Carolina ceded her western lands forming what is now the State of Tennessee, in 1790.

Connecticut's claim to western unoccupied lands, except to a tract known as the Western Reserve, in Ohio, was relinquished to the United States in 1786.

Georgia completed the cessions of the original States in 1802 by ceding lands that now are part of Alabama and Mississippi. Payment for this transfer was made by the United States of 6,200,000 dollars, which was approximately 11 cents an acre.

Pennsylvania, Rhode Island, and Vermont made no cessions.

Delaware, Maryland, and New Jersey had no western lands to cede.

These cessions gave the United States title to 236,825,600 acres of land and water area, as computed in 1912 by a committee representing the General Land Office, Geological Survey, Bureau of Statistics, and Bureau of the Census. This was the nucleus of the land to be known as the public domain. The Government of the United States assumed the role of proprietor of these lands and trustee for the people.

By events listed thus far, citizens of the United States and the Nation by 1802 had acquired title to lands west to the Mississippi River. At that time, Florida was claimed by Spain, and Louisiana was claimed by France.

LOUISIANA, which included the Mississippi Valley, was early recognized as having geographic and economic importance on the American continent. The Ohio and Mississippi Rivers and their tributaries afforded an avenue to the sea, but the mouth of the Mississippi River was under the control of foreign powers.

France's claim to territory in the Mississippi Valley and along the Gulf of Mexico was based on LaSalle's voyage and proclamation of 1682. The eastward boundary of Louisiana thus claimed was the "River Palms." This is identified as a river in what is now Florida; it empties into Palm Sound, now called Sarasota Bay.

France's Louisiana Territory was ceded to Spain in 1762. The area was described as "the whole country known under the name of Louisiana, together with New Orleans and the island on which that city stands."

By treaty in 1763, France and Spain ceded to Great Britain all of Louisiana east of the Mississippi. Twenty years later, in boundary settlements at the close of the Revolutionary War, the United States took over from Great Britain all that part of the original Louisiana ceded to it by France.

Spain in 1800 ceded back to France the Louisiana Territory less the part east of the Mississippi and north of latitude 31° , which had been acquired by the United States in 1783 from Great Britain. Before that time, the ministers of the United States in Europe had been instructed to prevent, if possible, the return of Louisiana to Spain. France was urged to consent to the sale of the City and Province of New Orleans to the United States. The urgency of purchase was heightened by the temporary closure of the port of New Orleans to the United States in October 1802.

President Thomas Jefferson, in December 1802, obtained the consent of the Congress to negotiate for the purchase of New Orleans from France. Negotiations were conducted by James Monroe and others. France agreed to the sale for a price of 80 million francs.

It is said that when Napoleon Bonaparte instructed his minister of treasury regarding the Louisiana sale he ventured the forecast that the country that would hold the Mississippi Valley would eventually become the most powerful country on earth.

The boundaries of Louisiana as purchased from France were indefinite. Definite boundaries were established later by a treaty with Spain and a series of treaties, concluded in 1871, with Great Britain.

The cost of 529,911,680 acres of land and water surface acquired in the Louisiana Purchase was 23,213,568 dollars, or about 4 cents an acre.

FLORIDA was claimed by Spain by discovery and exploration.

Spain ceded Florida to Great Britain in 1736, but in 1783, after the conclusion of the treaty between the United States and Great Britain, Florida was ceded back to Spain. The boundaries of Florida were in dispute between Spain and the United States.

President James Madison issued a proclamation in 1810 taking possession of the east bank of the Mississippi River under the authority of the treaty of

purchase with France. The proclamation left the question of ownership for future settlement. After a series of incidents, John Quincy Adams for the United States and Don Luis de Onís for Spain signed a treaty of cession of Florida to the United States in 1819.

The Florida purchase cost the United States 6,674,057 dollars for 46,144,640 acres of public domain—about 14 cents an acre.

THE NORTHWEST TERRITORY was established as part of the United States by the treaty with Great Britain in 1846.

Long before the purchase of Louisiana, the interests of the United States had been directed toward the unknown interior country west of the Mississippi. Several overland journeys were begun, but none was brought to a conclusion.

The northwestern coasts had been visited by ships of several countries. Captain Robert Gray, an American, discovered the mouth of the Columbia River and sailed many miles upstream.

The American claim to "Oregon Territory" was based upon Captain Gray's discovery and later expeditions by land and water.

President Jefferson asked the Congress in 1803 to appropriate 2,500,000 dollars for an overland expedition, which was begun the next year by Meriwether Lewis and William Clark. Furtherance of the American claim was the prime motive of the expedition. Exploration of the newly purchased Louisiana Territory was also an objective.

The Lewis and Clark expedition began by water from the mouth of Wood River on the Illinois bank of the Mississippi, opposite the mouth of the Missouri River. The party reached an Indian village at Mandan by October 26. There, on the north bank of the Missouri, a fort, called Fort Mandan, was erected.

The route followed in 1805 passed through the lofty Bitter Root Range, down the Clearwater River to its junction with the Snake River, and down the Snake to the Columbia River.

Captain Clark wrote that on November 7, 1805, they saw for the first time "the object of all our labors, the reward of all our anxieties," the waters of the Pacific Ocean.

After the winter of 1805-1806 at Fort Clatsop, the party arrived at St. Louis on September 23, 1806.

The report, "Brief Account of the Lewis and Clark Expedition," published in 1905 and reissued by the Bureau of Land Management, characterizes it as influencing greatly subsequent political acts that affected the ownership of the Oregon Territory.

Russia at that time had an undefined claim to territory in what is now Alaska. By treaty in 1824, the United States recognized Russian sovereignty over the northwestern coast from latitude $54^{\circ}40'$ north to the North Pole. Great Britain later confirmed with Russia by treaty in 1825 that Russian sovereignty extended northward from latitude $54^{\circ}40'$. The eastward extent of Russian sovereignty was defined with Great Britain as the present eastern line of Alaska.

Sovereignty over the land south of latitude $54^{\circ}40'$ was hotly disputed by the United States and Great Britain. Disputed territory was occupied by both countries.

The northern boundary of the United States was placed by treaty in 1846 at the 49th parallel extended to the middle of a channel that separates Vancouver Island from the mainland, thence southerly along the center of the channel and of the Strait of San Juan de Fuca to the Pacific Ocean. The exact location of the channel referred to was in dispute from 1846 to 1872. An exact location was determined in 1872 by Wilhelm I, Emperor of Germany, who was arbitrator without appeal, agreed upon by the two countries.

The Oregon Compromise established 183,386,240 acres as public domain of the United States. No payment of moneys was involved.

TEXAS, annexed in 1845, was originally included in French and Spanish

possessions. The treaty of purchase of Florida contained recognition by the United States of the present eastern boundary of Texas as the eastern boundary of Spanish possessions.

Mexico obtained her independence from Spain in 1821.

Secretary of State Martin Van Buren in 1829 instructed the United States Minister to Mexico to offer to buy the part of Texas east of the Nueces River. Mexico refused. The Republic of Texas was proclaimed in 1836 and was recognized by the United States in 1837.

Admission of Texas to the United States was soon urged. It became a political issue. A joint resolution for annexation was adopted by the Congress and was signed by President John Tyler in 1845.

The State of Texas succeeded to the ownership of all lands of the former Republic east of the Rio Grande that were included in a region bounded on the east by the Spanish-American boundary as established under the Florida treaty of 1819. These boundaries had been confirmed by a treaty with Mexico in 1828, but they were indefinite. Persons living at Santa Fe, in what is now New Mexico, denied that they were within the State of Texas.

During the Mexican War in 1847, General Stephen W. Kearney, under War Department orders, captured the Mexican province of New Mexico. As military governor, he published a series of laws for the government of the province.

An organic law for the government of the Territory of New Mexico was enacted after 3 years of military government. The law defined the eastern boundary of the Territory at the present eastern line of New Mexico, reducing thus the extent of the claim of Texas. By the act of September 9, 1850, the United States proposed the purchase from the State of Texas of its claim to lands north of latitude $36^{\circ}30'$ and west of the 100th meridian and those north of latitude 32° and west of the 103d meridian. The State ac-

cepted, and the purchased property became public domain of the United States.

The lands added by this purchase consisted of 78,926,720 acres of land and water surface, costing 15,496,448 dollars, or approximately 20 cents an acre. These lands are now parts of Kansas, Colorado, New Mexico, and Oklahoma.

THE PACIFIC SOUTHWEST, especially the coast of California, was early a matter of jealous attention by several rival countries.

Russians occupied a part of the California coast in 1812 by permission of Spain. A military governor was in command.

President Andrew Jackson proposed in 1835 to Mexico that the Pacific Southwest be sold to the United States. Negotiations failed. John Charles Fremont's overland expedition and Charles Wilkes' voyage under auspices of the United States added information about this area.

After the terms of the Texas annexation had been accepted by the Republic of Texas, President James K. Polk in 1845 ordered the United States Army to occupy and hold the western part of the Texas claim. Steps were taken to offer to the Mexican Government terms for the acquisition of the disputed western Texas Territory and lands to the west, including the bay and harbor of San Francisco.

War was declared with Mexico on May 13, 1846. After repeated failure of negotiations and resumption of hostilities, a treaty was completed by Commissioner Nicholas P. Trist, on behalf of the United States, at the city of Guadalupe Hidalgo, Mexico, on February 2, 1848. President Polk proclaimed the treaty on July 4, 1848.

This action resulted in recognition of the western boundaries of Texas and added to the public domain the lands bounded on the east by the Rio Grande River and a meridian extending north, on the north by the 42d parallel, on the west by the Pacific Ocean, and on

the south by the national boundary established by the treaty. The area of public domain acquired was given by the Federal Interagency Committee in 1912 as 338,680,960 acres. The cost was 16,295,149 dollars, or approximately 5 cents an acre.

THE GADSDEN PURCHASE was completed in 1853, when Franklin Pierce was President.

James Gadsden, the United States Minister to Mexico, entered into the treaty of purchase on behalf of the United States for the purpose of defining more correctly the boundary and making a more regular line between the United States and Mexico.

The boundaries given were the Gila River on the north, the Rio Grande on the east, and a point 20 miles below the mouth of the Gila River, on the Colorado River, on the west. The area of public domain added was 18,988,800 acres (land and water surface). The cost was 10 million dollars, or approximately 53 cents an acre.

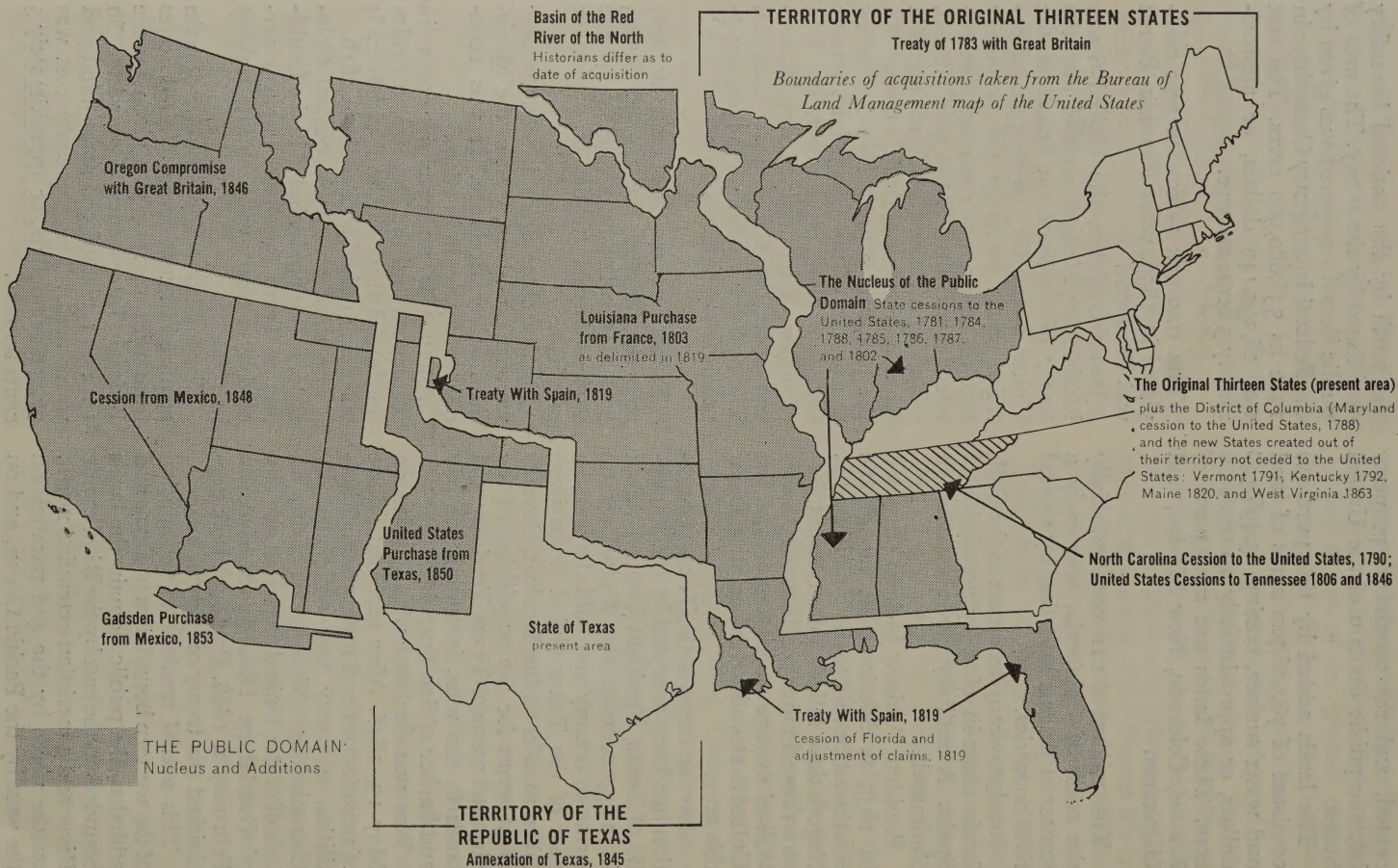
THREE PARCELS OF TERRITORY, now securely parts of the United States, had been collectively omitted by the various formal treaties of cession or purchase.

One of these areas is what is now western Louisiana, west of the Mississippi River drainage. It was relinquished by Spain in 1819.

Another is an extensive area in Minnesota and the Dakotas. It drains northward through the Red River. It was relinquished by Britain in 1818.

The third area is in central Colorado. It was not included in the Louisiana or Texas Purchases but was covered by a treaty with the Ute Indians in 1868.

The total of original public domain acquired in continental United States from 1781 to 1867 was given by the Federal Interagency Committee in 1912 as 1,462,466,560 acres (land and water area). The aggregate cost was 77,879,222 dollars, or approximately 5 cents an acre.



AMERICAN INDIANS or Indian tribes originally occupied or claimed most of the lands embraced in the treaties and purchases of the United States. At the time of acquisition from other powers, Indians were largely in possession.

In the later stages of westward migration, Indian claims to land were customarily settled by means of treaties with the tribal authorities. The treaties usually provided for areas to be reserved to Indian possession.

The total cost of Indian land claims is unknown, but it is known that it far exceeds the cost of payments to other countries. Several lawsuits against the United States on account of Indian land claims have been settled in recent years. Other large claims were pending in 1958.

AN EXAMPLE of an Indian land claim is that of the *Alcea Band of Tillamooks, et al. v. The United States*, involving 2,772,580 acres. The lands are located in the coastal areas of Oregon. Suit was brought under the Act of August 26, 1935 (49 Stat. 801), which gave the Court of Claims jurisdiction over this class of cases.

The court had decided on April 2, 1945 (103 C. Cls. 494), and it had been affirmed by the United States Supreme Court (329 U. S. 40) that four of the tribes had proved their original Indian title and that the taking of the lands by the United States had been involuntary and uncompensated. Judgment was entered on January 3, 1950, for the tribes under the provisions of the Fifth Amendment to the Constitution of the United States (115 C. Cls. 463). The amount awarded was measured by the appraised value of the lands as of the date they had been taken, plus reasonable interest, offset by the value of the tribes' interests in the reservation lands allotted to them as of the date the lands were taken and less the equivalent of gratuities from the United States to the tribes over the years to the latest date of accounting.

The court set the value of the lands taken at 1.20 dollars an acre as of

November 9, 1855. The rate of interest on the amount due was fixed at 4 percent from 1855 to 1934 and 5 percent thereafter.

The total amount due the four tribes, with interest, less offsets, was fixed by the Court of Claims at 16,515,604.77 dollars, to which certain additional interest was to be added until the date of payment.

On reversal by the United States Supreme Court (341 U. S. 48), final judgment was entered by the Court of Claims on May 1, 1951 (119 C. Cls. 835) at 2,259,986.80 dollars.

ALASKA was claimed by Russia on the basis of voyages by Vitus Bering in 1728 and 1741. After Bering's second voyage, Russian fur traders advanced along the Aleutian Islands. A Russian trading corporation, the Russian-American Company, took domination over Russian America in 1799 under a series of 20-year concessions.

During the Crimean War in 1855, Russia feared that Great Britain might seize Russian America. The area was offered to the United States, but the offer was refused.

The legislature of the Territory of Washington memorialized President Andrew Johnson in 1866 to acquire the Russian territory in Alaska. A treaty of purchase was signed in 1867 by Secretary of State William H. Seward for the United States and Baron de Stoeckl for Russia. The purchase price was 7,200,000 dollars, or approximately 2 cents an acre, for 375,296,000 acres of public domain.

Formal transfer was made at Sitka to Major General L. H. Rousseau, the United States Commissioner, on October 18, 1867.

The early progress made by Russians in Alaska may be traced today by viewing the remaining Russian Orthodox church buildings, wooden framed and turnip topped. These monuments are found at Unalaska, eastward along the Aleutians, in the Kodiak-Afgonak Island group, and at Sitka, which was the last capital of Russian America.

Thus was completed, in 1867, the acquisition of public lands of the United States.

The public domain did not include lands within American insular possessions. The Territory of Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and other islands in the central Pacific have laws for the administration and disposition of their public lands.

ACQUIRED LANDS are distinguished from public domain in that they have been acquired by the United States by purchase or gift or condemnation from individual landowners or from the States in individual transactions not embodied in the major acquisitions of public domain.

The desirability of Federal purchase of privately owned lands to supplement public domain reserved in national forests first arose about 1901. The subject was debated in the Congress beginning in 1909. Advocates stressed the importance of forest management in the control of runoff and hence control of floods and navigation resources. Purchases were proposed in Eastern States where there was no public domain. Opposition was based on such grounds as interference with private ownership, cost, and constitutional authority. An authorizing act, known as the Weeks Act, was adopted in 1911. Purchases under this act were limited to lands necessary to the protection of the flow of navigable streams.

The act established a National Forest Reservation Commission, consisting of the Secretaries of War, Interior, and Agriculture, and two members each of the House and the Senate. The commission approves the price and acreage of all tracts acquired under the authority of this act.

The Clarke-McNary Act of 1924 broadened the authority to include purchase of land in the watersheds of navigable streams for timber production as well as for regulation of streamflow.

The United States Forest Service, as

of June 30, 1956, administered 27,960,067 acres of acquired lands of the United States. Much of this area is in States from Texas eastward to Virginia, including Missouri and Kentucky and States south of them. Some of these acquired forest lands are in New Hampshire, Vermont, Pennsylvania, Michigan, Minnesota, and Wisconsin. Purchases of forest lands in the Western States are small in relation to the area of national forest consisting of reserved public domain.

An important acquisition of Federal lands was that of the revested Oregon and California Railroad lands, known as the O & C lands. Title to almost 3 million acres of forested lands was revested to the United States by an act of the Congress in 1916. The railroad company was paid a price of 2.50 dollars an acre for the lands on the basis that it had been the intention of the Congress in the prior land grant to have given the company a grant of that amount.

A different form of Federal land purchase consisted of purchase of farmlands in submarginal uses during the 1930's. Purchases were made under various funds established by the emergency relief acts, the Agricultural Adjustment Act, and later the Bankhead-Jones Farm Tenant Act of 1937. The purchases under this group of programs included some 11 million acres. Nearly half of these lands were in the northern part of the Great Plains.

A SPECIAL FORM of land purchase requirement is that for military purposes. Such purchases during the Second World War aggregated some 7 million acres. Other lands were leased.

The Department of Defense, for military purposes, held for the United States 7,675,275 acres of acquired lands as of June 30, 1956. For civil functions of the Corps of Engineers, the area of acquired lands held on that date was 3,647,999 acres.

FEW PURCHASES of privately owned lands were made to provide lands for

Indian use before 1934. The Indian Reorganization Act, adopted in 1934, provided funds for land purchase and authorized the use of Indian tribal funds for that purpose. More than 1 million acres have been purchased for the use of Indians. The Bureau of Indian Affairs, on June 30, 1956, held 594,807 acres of Indian lands acquired by purchase, donation, and transfer.

Privately owned lands have been acquired as national parks or national monuments, or to round out public domain areas set aside as national parks or monuments. The National Park Service administered 3,501,969 acres of acquired lands as of June 30, 1956.

WILDLIFE REFUGES have been established or augmented by condemnations and purchases, as well as by reservation or withdrawal of public lands. The first purchase of land for a wildlife refuge was for a bison range on the Flathead Indian Reservation in 1909. General purchase authority was granted by the Congress in the Norbeck-Andersen Act of 1929. Extensive areas were added in the 1930's from lands purchased as submarginal lands.

Acquired lands administered by the Fish and Wildlife Service as of June 30, 1956, aggregated 2,770,646 acres. These lands for the most part are considered incapable of sustained use as cropland because of wetness, dryness, or accelerated erosion.

Lands acquired under the reclamation program and administered by the Bureau of Reclamation totaled 1,538,016 acres as of June 30, 1956. The Atomic Energy Commission administered 667,926 acres and the Tennessee Valley Authority held 740,030 acres as of June 30, 1956.

All lands acquired by Federal agencies by purchase, donation, or transfer amounted to 50,082,229 acres throughout the world as of June 30, 1956, compared with 724,504,778 acres of public domain (reserved and unreserved) held on that date in continental United States and Alaska.

Federally owned real property out-

side the continental United States as of the same date totaled 365,082,217 acres. Defense agencies held 2,676,538 acres of this property. Civil agencies held the remaining 362,405,679 acres. The Department of Defense did not report the locations of its acreage throughout the world. However, for civil agencies, outside of Alaska, Federal holdings were as follows: North America, 405,868 acres; South America, 52 acres; Europe, 798 acres; Africa, 932 acres; Asia, 1,272 acres; Australasia, 743 acres; Pacific Islands, 17,000 acres; Hawaii, 197,359 acres; and Wake Island, 2,600 acres.

IN FOREIGN COUNTRIES, civil agencies of the United States held 5,150 acres, including Department of State, 2,008 acres; United States Information Agency, 1,949 acres; and General Services Administration, 1,187 acres. These lands were used for office building locations, 300 acres; harbor and port terminals, 56 acres; and housing, 1,360 acres. Other land and vacant land totaled 3,434 acres.

CENTRALIZED RECORDS of public domain of the United States are maintained by the Bureau of Land Management of the Department of the Interior. Records of acquired lands are maintained by the various acquiring or administering agencies. Inventory reports of federally owned real estate are prepared annually as of the end of each fiscal year and are issued early in each session of the Congress. The General Services Administration, in collaboration with the General Accounting Office, develops and supervises agency procedures for the maintenance of real property accounts and the reporting of inventory data.

By means of inventory reports and exchange of information, Federal agencies are able to avoid unnecessary acquisitions, effect economies through joint uses, facilitate transfers or exchanges of administration, and return surplus federally acquired lands to private ownership.

